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SUIT A THREAT TO ONGOING RESTORATION

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In South Florida, all of us understand the importance of being steadfast stewards of the Everglades ecosystem. We accept this role readily, as it is imperative to save an American treasure that is in our own back yard. The result is the establishment of an \$8 billion project, which is now well under way.

Thanks to continued commitment, remarkable progress has been made on the Everglades Comprehensive Restoration Plan. The **South Florida Water Management District** -- regional water managers for the 16-county area south of Orlando -- is implementing the clean-up and restoration.

In Broward County, one component of the plan is pumping water through the C-11 Canal that runs along Griffin Road. After rainstorms, water is moved through the canal to avoid flooding areas of western Broward County. (Excessive stormwater inundated the area in 1999 after Hurricane Irene.) A critical part of the Everglades Restoration Plan continuing is to protect the urban areas of Broward County while developing state-of-the-art systems to reduce the effects of pollution in storm water runoff.

Today, this very act of pumping water from flood-prone areas in Broward County is being questioned. A lawsuit was filed by the Miccosukee Tribe. The case focuses on a single pumping station, called the S-9 pump. The case will be heard by the U.S. Supreme Court on Jan. 14. Justices must decide whether the S-9 pump should require a federal permit, called a National Pollutant Discharge Elimination System permit, in order to move water.

The lawsuit, though focused on a pump in Broward County, has national implications. If the Miccosukee tribe prevails, the entire Everglades Restoration Plan will be disrupted. The federal permit would mean paperwork and applications for hundreds of pumps, culverts, weirs and canals. The whole permit process would become moot when the district's new filtering system for the C-11 is completed in a few years.

The tribe's lawsuit focuses on a single provision of the federal Clean Water Act in an effort to force state and local water managers to go through the same permitting process as industrial polluters. It is unprecedented that the same regulations in place for the industrial polluter should be applied to water managers when moving water that accumulates in a natural state after a storm.

The impact of an adverse ruling in this Supreme Court case would be felt nationwide. States, municipalities and public utilities would all have to implement new, costly, cumbersome permitting procedures -- a wasteful consumption of valuable water management resources and time and, most importantly, taxpayers' money.

We cannot underestimate the significance, however, as we have a great deal riding on the outcome: The Supreme Court will determine whether it allows the congressionally approved Everglades restoration plan under way to continue its progress. The Supreme Court will also decide if South Florida's water managers will continue their efforts to control flooding without industrial polluter permits.

We, as South Floridians, have neither the time nor the money to waste. We simply need to keep an eye on the prize: preserving and restoring America's treasure -- the Everglades.

Nicholas Gutierrez is chairman of the governing board of the **South Florida Water Management District**.